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PROFESSOR NORTON'S

Speech.

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SPEECH

DELIVERED

BEFORE THE OVERSEERS OF HARVARD COLLEGE,

FEBRUARY 3, 1825,

IN BEHALF OF

THE RESIDENT INSTRUCTERS OF THE COLLEGE.

WITH AN

INTRODUCTION.

BY ANDREWS NORTON.

BOSTON.
PUBLISHED BY CUMMINGS, HILLIARD, & CO.

University Press—Hilliard & Metcalf.
1825.

LD 2120
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26/6
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INTRODUCTION.

The principles maintained in the following speech seem to me important, not merely to the prosperity of the college at Cambridge, but to that of all similar literary institutions in our country. The resident instructers of a college are its proper representatives. No other body should intervene between them and the public, to take from them this character. They, and they alone, should stand forward before the community, as accountable for the state of the institution. All the powers, therefore, which properly accompany such responsibility, should be fully and explicitly given them. They should be intrusted, in the first instance, with the government of the institution, considered as a literary establishment; under the supervision and ultimate control of the community, for the benefit of which it is intended, and to which, in the nature of things, it belongs. This supervision and control, the community must of course exercise through its representatives; and in regard to the college at Cambridge, the Overseers are a body so constituted, as to be proper representatives of the community. The resident instructers, as immediate governors of a college, and the public, for which they labor, under whose direction they should be, and to which they should be responsible, are the only two parties properly concerned in the management of such an institution.

The government of the college at Cambridge has, however, been, for some time past, conformed to a very different principle. The institution has been almost entirely under the control of the Corporation, a body, which has been composed of the President of the college, and six non-resident members; and which perpetuates itself, by filling its own vacancies. The Corporation originate all laws, appoint to all offices, confer degrees, and have the disposal of the funds of the college. Their more important measures are subject to the approval or rejection of the Overseers. But the power of the latter body has lain, till within a short period, almost dormant, and its proceedings have been little more than matters of form. The college, therefore, has, in fact, been in the hands of a small number of gentlemen; instead of being under the control of the community, to which it belongs, and the immediate government of its resident officers, who are the persons most concerned in its prosperity.

The Overseers consist of the Governor of the State, the Lieutenant Governor, the Speaker of the House of Representatives, the President of the college, the members of the Council and of the Senate, all *ex officiis*, and of twenty permanent members, namely, ten laymen and ten clergymen, chosen from the community at large. Beside the Corporation and Overseers, there is a third body, called the Immediate Government, composed of the President of the college, of most of the resident instructers, and of the librarian. Four resident instructers, on account of the character of their offices, or from some other particular considerations, are not members. The duties of the members of this body, collectively and individually, are simply to carry into effect the laws of the Corporation respecting instruction and discipline. It is of the '*resident instructers*,' who are members of the Immediate Government, that I mean particularly to speak, when I discuss the reasonableness of enlarging their authority, and it may be

proper to observe, that I am not myself of the number. Under the same term, I would also include the librarian.

Great evils having resulted, as was believed, from the existing distribution of powers, the resident instructers were desirous of effecting some change, by which the government of the college might be placed on a better foundation. Upon examining the subject, they conceived that an essential departure had gradually taken place from the intention of the charter. They believed the fact to be established, that residence was originally a qualification for fellowship in the college, and that it was intended that the Corporation should be composed, together with the President, and Treasurer, of five fellows, that is, of five other *resident* members. Having these views, they submitted to the Corporation a paper, containing "statements and considerations, relative to *the mode, in which, according to the charter of the institution, the corporation of the same ought to be constituted.*" The Corporation declined acting upon this memorial; and in May of the last year, the same paper was laid by the memorialists before the Overseers. During the last month (February) the Overseers granted a hearing to the memorialists before their body; upon which occasion Professor Everett and myself were heard in their behalf.

In respect to the paper in question, it should be observed, that the memorialists did not intend to urge a legal claim for any of their number to be elected members of the Corporation; nor even to maintain, that residence was, *at the present day, a necessary legal qualification* for holding a seat as a member of the Corporation. Many propositions may be sufficiently established by moral evidence, which do not admit of legal proof; and while the intention of the framers of the charter was, as the memorialists conceived, fully shown by evidence of the former kind, they were not qualified to decide, whether this evidence was of a nature to be received as legal proof. They were not qualified to decide whether,

if the intention of the framers of the charter were clearly evinced, this intention was expressed in such a form of words as to be legally binding. And, supposing both these questions to be settled in the affirmative, still others might arise; as whether the departure from the intention of the charter had not been sanctioned and established by prescription; or whether one of the articles in the constitution of the state, relating to the college, did not so recognise the Corporation, constituted, as it then was, partly of non-resident members, as to give a legal sanction to non-residence. These were questions which they had no intention of discussing, and with which they had no concern. Yet their memorial has been opposed, principally, as if they had endeavoured to establish some strictly legal claim or principle; which they did not. The argument, therefore, has been turned out of its proper course, and directed against a point, which, whether defensible or not, it was not the intention of the memorialists to defend.

The subject has thus been perplexed, and a certain degree of obscurity and doubt thrown over it. The discussion, likewise, has extended to such a variety of details, as to require more attention to understand it fully, than most persons are willing to give. The principal arguments, however, on which the memorialists rely to establish the propositions which they believe true, admit of being briefly stated.*

The language of the charter is, that 'the college in Cambridge shall be a corporation, consisting of seven persons, to wit, a President, five Fellows, and a Treasurer or Bursar.' Here a general question arises, what was intended by the term,

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* These arguments may be found stated at length in their memorial; and in the very able defence of it by Professor Everett, in 'A letter to John Lowell Esq.' Boston, 1824.

fellow; but as far as this word is concerned, the real question at issue is more limited, namely, whether, as thus used, it did or did not include the idea of residence as a qualification of a fellow. The memorialists maintain that it did, for the following reasons.

I. In the preamble of the charter, it is stated, 'that many well devoted persons have been, and daily are, moved and stirred up to give and bestow sundry gifts, legacies, lands, and revenues, for the advancement of all good literature, arts, and sciences in Harvard College in Cambridge in the county of Middlesex, and to the *maintenance* of the President and *Fellows* thereof." This is the language of the preamble; but it cannot be supposed nor is it contended, that at this period, any persons were maintained by the revenues of the college, who were not resident members of the college. The fellows therefore were resident.

II. Both the preamble and the body of the charter imply that the term, *fellow*, in relation to a college, was one in common use, and well understood. Its meaning, therefore, like that of other words, is to be determined by usage; and for this usage we must look to what was its sense in the English Universities. The primary idea of the fellow of a college is of a member of a college, considered as a corporation, residing where the college is situated, for the purpose of study, and deriving maintenance from its revenues.* From the statutes of Trinity College, and Jesus College, the only colleges, copies of whose statutes could be procured,† and from the express mention of some peculiarities in those of New College by

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* Thus it is said in the Quarterly Review :—" The intention of Fellowships was, to retain the most deserving young men in their several colleges with full leisure and opportunity for study, till they should be of standing for the higher degrees." Vol. xviii. p. 236. Amer. Ed.

† MS. copies of these are in the library of Harvard College.

Ayliffe,* it appears that the fellows of these colleges are bound by statute to residence, under certain conditions having no bearing upon the general question. After a pretty extensive examination of the subject, it appears from a great variety of incidental evidence, that the same is the case in the English colleges generally.† No evidence to the contrary has been discovered. The residence of the fellows of a college is, indeed, implied in the essential character of a college as an incorporated body; since we are told, that 'a college, properly speaking, *(simplex collegium)* is, according to the civilians, the fourth species of corporation, and is so called because many persons of the same body or community do cohabit therein; and as our books say, *in eodem simul colliguntur*,' (that is, *are collected together in the same place;*) and herein, it is remarked, the word differs from '*Body* or *Corporation* used as a *generical* term.'‡ The statutes of the English colleges requiring the residence of fellows have, it is true, like a great proportion of their other statutes, become obsolete; and the non-residence of fellows is, at the present day, common. But this is a comparatively modern departure from the intention of those institutions. Residence was the original condition of holding a fellowship, implied in the very character and purpose of the foundation. Non-residence is a matter of permission or dispensation. That it has, since the commencement

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* Ayliffe's Ancient and Present State of the University of Oxford. Vol. ii. p. 51.

† The following passage will explain why the statutes themselves cannot be expressly quoted:—'With respect to the statutes of particular colleges, it is not easy to gain an accurate acquaintance with them. There are seldom above two copies of them, and these are kept in close custody, except on two or three days in a year, when they are read, for the most part in a rapid and incorrect manner, in the college chapels.' *Knox on Liberal Education*, vol. ii. p. 173. *Lond.* 1785.

‡ Ayliffe's Oxford, vol. ii. p. 2.

of the last century, become frequent as respects the English colleges, has been urged as an analogy in favor of the non-resident members of the Corporation of Harvard College, to prove that, though non-resident, they may still, conformably to the charter, be qualified to be its governors. But the analogy entirely fails, because the non-resident fellows of an English college, instead of having the control of the institution, take no part whatever in its government.

III. But if the general meaning of the word, at the time when it was used in the charter, as implying residence, were doubtful; its meaning as regards Harvard College, which is the point in question, would be determined by the ancient form of the induction of a fellow, in use before the granting of the charter; which supposes, that a fellow must be resident; as appears from its language, which limits his obligations, by the clause, 'so long as you shall here reside;' from the duty of instruction, or at least the liability to this duty, which it imposes; and from the promise which it contains of a stipend from the revenues of the college.*

IV. What has been stated is further confirmed by the language of various acts of the General Court of the Province, and donations of individuals, for 'the maintenance of the President and Fellows' of the college, principally within a few years subsequent to the granting of the charter. There can be no question, that the fellows, whose maintenance is thus provided for, were, a part or all of them, resident instructers; and that no persons not resident were intended.

V. The five first fellows, members of the Corporation, are named in the charter. They were all of them young men, not particularly distinguished. They were, it is believed, all resident at Cambridge, when selected to be so named. That this was the case with three of their number, is admitted. That the other two, likewise, had been resident during a con-

* See the form of induction at length in the memorial, p. 4.

siderable length of time which approached close to the period when the charter was given, and that they had been, actually and in name, fellows of the college, are facts not denied. But in the absence of clear historical data, there has been an attempt to cast a doubt upon their residence at the precise time last mentioned. But the question seems to be decided by the consideration, that no other reason can be assigned for the naming of these five young men as members of the Corporation, except that they possessed that single qualification, which others more able, more distinguished, and of far more influence in the community, did not possess, the qualification of residence.

VI. The language of the charter is, that "the college in Cambridge shall be a corporation, consisting of seven persons." The word, *college*, is here used in its primary sense, to denote a number of persons associated together for some common purpose. This college, these individuals, are by the charter constituted a Corporation. But the college, in the sense just explained, is recognised by the charter only as being, and as to be, in Cambridge. Conformably to the charter, it is in Cambridge that those seven persons, forming the Corporation, ought to be found. This, so far from being a forced sense of the words, as has been said, is the only sense which the words admit. But if the meaning were doubtful, that which has been stated would be proved true by the analogy of the English colleges; in regard to which, it was never imagined that the corporation, having the government of the college (in the more extensive sense of that word), could reside in any other place, than where the college buildings are situated, and the work of instruction carried on. Still more, the word, *college*, was used in the charter not merely in what is its primary sense; but the nature of the instrument admits no doubt, that it was used in its technical sense, before explained, namely, as denoting a corporation, the members of which are collected

together in the same place. But if this be so, the intention of the charter respecting the residence of members of the Corporation is determined.

VII. It cannot be believed, that it was the intention of the framers of the charter, that in any case, the *whole* college, constituting the Corporation, or, in more familiar language, *all* the governors of the college, might be non-resident. Such a form of government would have been entirely without precedent; while, on the contrary, according to what is conceived to be the only proper mode of understanding the charter, its framers designed, as we should naturally suppose, to conform to the mode of government established in the English colleges, with which they were well acquainted. In the exercise of common good sense, they could never have intended, that, as regards residence, the only qualification of fellows of the college and members of the Corporation, should be inhabitance in some part of the province, though this has been maintained. If all the members of the Corporation were non-resident, it does not appear possible, that they should exercise their powers in any proper manner. At present, all except one are non-resident; but the necessity of the residence of one is admitted. But unless all the members of the Corporation are bound to residence by the charter, no one of them is bound to residence. If the fellows are not bound to residence, still less is the Treasurer or President; and strange as it may appear at the present day, we find among other departures from the intention of the charter, which began to occur at an early period, the case of a non-resident President. The office of President was held by the Rev. Increase Mather, while at the same time he was a clergyman in Boston, till the abuse was corrected in 1701, by the interposition of the General Court.* It would have been

* It is thus that this fact is stated by his son, Cotton Mather: "There were some Disaffected Men who for some reasons [God *knows what they*

a singular oversight in the incorporation of a college, if the act were so framed, that all the members of this corporation might be non-resident; and it is an oversight, with which, if there be any force in the preceding arguments, the framers of the charter are not to be charged.

VIII. If the arguments stated left the intention of the charter uncertain, this uncertainty would be removed, as is believed, by the explanation of the whole government of the then Province in the year 1722. It is unnecessary to repeat the history of the controversy, by which the subject was brought before the General Court. But in that year, a joint committee of the Council, and of the House of Assembly, made a report, of which the first article was the following: "That it was the intent of the said college charter, that the tutors of the said college, or such as have the instruction and government of the students, should be the fellows and members of the Corporation of said college, provided they exceeded not five in number."* This report was accepted by the House of Assembly, and "it was ordered, that the Corporation for the future practise accordingly." The order was concurred in by the Council, and the Governor gave his assent to it, with the proviso, however, that the three individuals, who were at that time non-resident members of the Corporation, should not be removed by said order. The contest between the Governor and House of Assembly respecting this proviso, finally prevented the order from being enacted; though the House of Assembly unanimously passed the same resolution again, the next year. The preceding statement shows in what man-

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were] were willing to have the *college* taken out of Dr *Mather's* hands. To accomplish it, they obtained a *vote*, which appeared of a Plausible Aspect; *That no man should act as President of the college, who did not reside at* Cambridge." *Remarkables of Increase Mather*, p. 173.

* For a full account of this transaction, see memorial, p. 16 seqq. and Professor Everett's Letter to John Lowell Esq. p. 75 seqq.

ner the charter was at this time understood. The committee by which the report was made, consisted of ten members, including men of the first eminence in the Province, and of the highest legal distinction. At the period in question, the early records of the college, which have since been lost, are known to have been in existence; and the early history of the college was fresh in men's knowledge.

To the preceding arguments respecting the intention of the charter, I am aware of but two objections, which may be regarded as of any weight, beside those already incidentally noticed. The reasoning supposed to bear against the memorial of the resident instructers, has been principally directed, as I have before observed, against a proposition not maintained by them, namely, 'that residence is at the present day a necessary *legal* qualification for holding a seat in the Corporation.' In regard to the meaning of the charter, it has been said, that the term 'fellow' in this instrument may be used merely in the sense of member, that is, member of the body constituted, namely, the Corporation. But most of the arguments, before stated, bear directly against this supposition; and to these we may add the following. The universal sense of the word, in all other writings, when applied to any one concerned in the government of a college, was undoubtedly different. According to the supposition just stated, it is used in two different senses in the body of the charter and its preamble. Such a use of the word in relation to the subject in hand, must have created strange ambiguity and confusion. And, further, the term 'President and Fellows of Harvard College' is to the present day the style of the Corporation; but this was a term in use before the charter, (as appears, among other evidence, from the preamble to this instrument,) and subsequently to it, for a considerable number of years, in a manner which puts it beyond dispute, that by 'fellow,' as thus

used, was intended a resident member of the college, deriving maintenance from its revenues.

The other objection supposes, that Samuel Danforth, one of the fellows named in the charter, ceased, soon after it was given, to be resident, but still continued to be a fellow. That he ceased to be resident, is agreed. Whether or not he continued to be a fellow, is disputed. But admitting that he did so, the fact seems to be of no force to explain or set aside the intent of the charter. The statutes of the English colleges, which have been examined, impose on fellows the obligation of residence; yet this obligation is very commonly dispensed with. There is no proof, that if Danforth continued nominally a fellow, he took any part in the government of the college as such, any more than the non-resident fellows of an English college. The fact of his remaining nominally a fellow, if it could be established, might be easily explained by the probable supposition, that when he ceased to be resident, there were, at this early period, not more than four resident fellows remaining; but the charter requiring the number of five fellows in the Corporation, and there being no one to fill his seat, if vacated, he still nominally retained it. The case, if it occurred, is to be considered not as an explanation of the charter, the meaning of which is proved by other evidence; but merely as a dispensation from the established rule, occasioned by accidental circumstances. In order to bring the case of Danforth to have any bearing upon that of the present non-resident members of the Corporation, positive proof is required not merely that he remained nominally a fellow; but, still more, positive proof, which no one has attempted to adduce, that he continued to take a share in the government of the college, as a member of the Corporation.

Relying, therefore, upon arguments such as have been stated, and upon other subsidiary proofs, the memorialists believed that it was the intention of the charter, that the Corpo-

ration should be composed of resident officers of the college. They believed at the same time, that the good of the college required a fundamental change in the mode of its government; and they thought, that bringing into view the intention of the charter, would be the least invidious mode of suggesting the propriety of such a change. Whether, upon the supposition, that there was no legal obligation to restore the government of the college to the form intended by the charter; this form, in itself considered, were on the whole preferable, was a question, which they regarded as left open for discussion. For myself, I am not confident, that it would be the best mode of reducing to practice the principles, which it has been my object to maintain. I have had no call to consider the subject with sufficient attention; nor have I been assisted in forming a judgment, by any opposing statements or arguments, which seemed to me to have much bearing upon the question, when properly understood; and I am unwilling to add another to the hasty opinions, which have been made up on partial knowledge and imperfect views.

In the following speech, the principle is maintained, that so far as the college is to be regarded under the aspect of a literary institution, its resident instructers should, in the first instance, be its governors. The most important conclusion from this general principle is, that they should have the power of originating all laws respecting its instruction and discipline. But another important consequence flowing from it, is, that they should have the power of nominating to all offices of instruction and discipline. The principle stated will be imperfectly applied, unless it be followed out to this result. I will not here repeat the arguments upon this point, which may be found briefly stated in the subsequent pages; but will add a few remarks. If the resident instructers are to be made responsible, as they ought to be, for the literary and moral character of the institution, they should have the privi-

lege of naming those whom they would choose as their associates, to carry on with them the work of discipline and instruction. Holding the relation which they do to the college, the resident instructers are the proper depositaries of all power, necessary to form the moral and literary character of the institution. No privilege, therefore, which may be exercised by them with as much advantage as by any other body of men, should be taken from them, and given to other individuals. To transfer from them to six non-resident gentlemen any power, which the former are capable of exercising with equal benefit to the college, is to degrade their offices, and to lay all those who may hold them under a standing imputation of incapacity. The resident instructers have a personal and peculiar concern in the prosperity of the institution, which, from the nature of the case, cannot be felt by others. They are bound to it, not merely by public duty, but by private interest. The desire of its prosperity and reputation, which in them must be so active a feeling, would always induce them to be very careful in selecting not merely a proper candidate, but the most proper candidate for any office. Their personal interest in making the college as distinguished and useful as possible, would act in constant opposition to any improper motive or bias. Operating generally through the whole body, it would serve effectually to counteract any particular influence from individual prejudice, partiality, acquaintance, friendship, connexion, or from any less excusable motive. When the relation between a patron and a candidate for office is such, that the former will be affected neither in his interest nor reputation by the manner in which the latter may perform the duties assigned him; men are very liable to be influenced by other considerations than a mere regard to the superior fitness of the candidate. The door is left open, through which all the evils of patronage enter, those evils which in older countries have been felt

so severely, in the misapplication of public wealth and of public charities, and in the perversion and degradation of their institutions. But on the other hand, when those who have the power of nominating to an office, have themselves a stronger personal interest than any other individuals, that its duties should be properly discharged, there is then every security that the power will be properly exercised.

There is another principle in the government of an institution like the college, intimately connected with that already stated. The resident instructers should be not merely the primary depositaries of the power necessary to its good management; they should receive of the honor which may properly belong to the institution. Its reputation cannot be unappropriated, nor attach itself to the abstract idea of a college; it belongs, in the nature of things, to individuals; and the more clearly and definitely it attaches to certain individuals, the better. But the resident instructers are marked out by every circumstance as the proper representatives of the college; with whose offices all the honor due to the institution ought to be associated. No other body should intervene, as at present, to obscure them from public view; and to take from their offices, the rank and respectability which should be connected with them. But the present representatives of the college are six non-resident gentlemen and one resident officer. They constitute its Corporation. They are its governors. The resident instructers have been called their servants; and the name, perhaps, may express the relation which actually exists between these two bodies; but certainly does not correspond to the state of things which ought to exist. The station of master is one of more honor and dignity than that of servant; but in a literary institution there should be no offices of more honor or dignity, than those given to the literary men who are its instructers. They, indeed, should be the servants of the pub-

lic, but not of any other body of men. An opposite state of things, however, now exists; for the members of the Corporation, as that body is constituted, cannot be considered as representatives of the public.

If the college were without permanent funds; if its instructers had associated themselves together, and depended for their remuneration upon the fees received from their pupils; it would enter no one's imagination, that they would be enabled to manage the institution more prosperously by putting themselves under the government of certain gentlemen, taken from the community at large, to whom they should transfer the whole control of the college; leaving to the judgment of those gentlemen the direction of its studies, the regulation of its modes of instruction and discipline, and the appointment of their future associates. The proposal would be regarded as unworthy of serious discussion. Let us, however, apply the principle to a particular case. If the instructers of the admirable seminary, lately established at Northampton, should, for the purpose of rendering the institution more flourishing, procure the incorporation of a number of gentlemen from the neighbouring towns, to take the control of its studies and discipline off their hands, there would be no difference of opinion respecting the wisdom of such a project. In what respects, then, does the case of the college differ from that of such an institution? It differs in one very important particular alone. Its instructers are supported, in part, by permanent funds provided by the community, or by individuals for the benefit of the community. It belongs to the community, therefore, to see that these funds are not misused. At the same time, a certain amount of salary being secured to a resident instructer, a part of that stimulus to exertion is removed, which would arise merely from a regard to pecuniary emolument, if this depended solely upon the reputation of the

institution, or of the teacher.* It is proper, therefore, that the college should be subject to a special and peculiar supervision and control on the part of the community. If its officers, like those of the school at Northampton, depended for their remuneration, solely upon the success of their own exertions in rendering the institution such, as that pupils might be led to resort to it, there would be as little necessity for the special supervision of the community in the one case, as in the other. As the state of things now is, the government of the college should be under the oversight and control of the public; but the question still recurs, who under such control should be its governors; and upon this question, the difference between the

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* It may be observed, however, that all the stimulus to exertion, from a regard to pecuniary emolument, which it is desirable should exist, might be easily obtained, by fixing at a much lower sum, than at present, the permanent salary of an instructer; and making its increase within certain limits, or indefinitely, depend upon the amount of *tuition money*, received from the students of the college; the *tuition money*, either wholly or in part, being shared among the instructers in proper proportions, conformed to the difference of their permanent salaries. With the plan, however, of allowing to the students a greater choice among various studies, has been connected another proposal, having the same object with that which I have just suggested, namely, that the emolument of each instructer, wholly, or in part, should depend on fees, received from his own particular pupils. To this there are various objections; but a decisive one in my mind is, that it would tend directly to produce competition, jealousy, and ill will among the instructers; and thus, beside other evils, be of essential injury to the college, by preventing all common action among them to promote its good. On the other hand, the plan suggested would give all the instructers a common interest in raising the character of the institution, so as to increase the number of its students. Every instructer would be concerned, that every other should hold a high rank, and perform his duties with faithfulness and ability. I may here add, that if such a plan were adopted, I suppose no one would doubt, that the instructers should have the power of nominating their associates. It would then be a matter of justice to them, that they should have this power. But as regards simply the prosperity of the college, there are now the same reasons, why they should exercise it, as there would be in the case supposed

two institutions, in the particular just mentioned, has no bearing. It would not be thought a wise measure, to take the government of the seminary at Northampton from its resident instructers; why then, I would ask, is the government of the college, in regard to its modes of discipline and instruction, taken from its resident instructers? What hope is there that a procedure, which every one would apprehend might be ruinous in the former instance, will, in the latter, conduce to the reputation and usefulness of the institution?

But when we speak of oversight or control, we must recollect, that it should be exercised on a broad and liberal plan; with a prevailing sentiment of generous and proper confidence in the resident instructers; such confidence as ought to be felt in them, if they are qualified for their offices. When we speak of responsibility, we must recollect that their responsibility, in the nature of things, like that of all other men in public office, is to the public alone; and not to a small number of individuals. Nothing could be devised more injurious to the college, than to subject them to the minute, vexatious oversight of one, or of some half-dozen persons, exercising a visitatorial power. What man of honorable feelings would submit to place himself in a situation, in which a few individuals, not his superiors in age, in talents, in morals, nor in any claim upon the respect of society, were to see that he did his duty? No such oversight has been exercised, and none such, I trust, ever will be attempted. The supervision required is that of a numerous, popular body, so constituted as to represent the community; composed, in great part at least, of members elected by the community, and elected from different portions of the state. The Overseers of the college are such a body. But the difficulty, at present, is, that they, the proper representatives of the public, are hardly brought into any connexion with the resident instructers, the proper representatives of the college. They are, and they will be,

separated from each other, by the intervention of the Corporation, so long as this body, constituted as at present, exercises its present authority. The Corporation has gradually come to be considered as having at once the government and the oversight of the college; and any proper exercise on the part of the Overseers, of the power which their name implies, would almost assume the character of an interference. This must be the case, so long as the resident instructers are considered as ministerial officers, under the direction of the Corporation; for it follows from this, that it is to the latter body, that these officers are accountable. The administration of the college being divided, as at present, between two bodies, the one constituted of its real governors, who legislate for the other body, which is composed of those whose business is merely to execute their laws, there is such a divided reponsibility for the state of the college, that no clear and definite object of supervision presents itself to the Overseers in the regular course of business. Every thing eludes their grasp.

But unite in the resident instructers the powers which have been thus disjoined, and a body of men would exist, to whom the public now naturally look as responsible for the state of the college; and who would then be fully and solely responsible for it. The Overseers would know, at once, where to direct their attention, when any evil or any complaint existed. Having a well defined and practicable duty to perform, there can be no doubt that they would perform it; and that their relation to the college would be very different from what it has been. The general state of the institution might, for instance, once a year, or oftener if occasion should require, be made a subject of discussion. The opinions of gentlemen from different parts of the state, with different views and feelings, might be collected. Complaints might be publicly brought forward. Committees might be appointed to examine whether they were well or ill founded. If without foundation,

the college would be exculpated and vindicated by the representatives of the public. If well founded, the evil would be remedied by their interference. Instead likewise of the present nugatory show of literary examinations into the proficiency of the students, real, effective examinations, like those of the military academy at West Point, might be instituted by the Overseers; and the literary state of the college thus constantly laid open to public inspection.

But it is not merely through this constant inspection for the purpose of correcting evils, that the college might derive advantage from its peculiar connexion with the state. This connexion is a great honor, and might in other respects than those mentioned, be of great benefit. It is most desirable that the community should regard the college as its care. It is most desirable that its instructers should always feel that they are acting in the view of the public, responsible to their fellow citizens and to them alone; and that they are to receive a great part of their reward in public approbation. It is through the Overseers, as representatives of the public, that the instructers may properly be encouraged, animated, and applauded. It would be with very different feelings from what he has at present, that a literary man would perform the duties of his office at Cambridge, if he knew that the college was a constant object of public interest, and a proper object of public regard; that on him and his associates, the public attention was steadily directed; and that his exertions and services would be known and fairly estimated.

In order to render the college, such an institution as it may become, prosperous and useful, as it is capable of being, measures must, in the first place, be taken to secure as its instructers, men of the first talents, the soundest learning, the purest morals, and the deepest sense of religion. To this end, the offices of the resident instructers must be such, that men of the character described will be willing to accept and will-

ing to retain them. They must be offices of dignity and trust; affording to those who hold them, full opportunity of making the best use of their abilities for the good of the institution. In the next place, the instructers thus secured must not be subjected, as mere ministerial officers, to the direction of other individuals, who are in comparison, but remotely connected with the college, and imperfectly acquainted with its interests. The institution will flourish then, and then only, when such men as have been described are made responsible to the public for its prosperity, and have all the power and honor, which should accompany this responsibility.

It may be proper to observe, that I have as little private interest in the topics discussed in what precedes and follows, as any individual in the community. This is known to those who are acquainted with the nature of my connexion with the college. My interest arises from a strong concern for the welfare of an institution, which all must regard as having a most important influence upon the intellectual and moral state of our community; from a conviction, that its present system of government has been essentially injurious; and that by changing this system, its growth in reputation and usefulness might, in the course of a few years, advance with a rapidity, which one would be thought sanguine and extravagant, if he should now predict. With the good sense and habits of free discussion, which prevail among us; if the principles which have been stated be correct, however circumstances may prevent their being acknowledged at present, they will in time be adopted and acted upon. The great point to be gained is to awaken public attention; and to make the community feel the interest which they have in the subject in discussion.

SPEECH.

May it please your Honor.

My object in appearing before this Reverend and Honorable Board, is to explain the motives and purposes of the memorialists in presenting the paper under consideration; and the circumstances which led them to take the course which they have done. They believe that the fact has been established, that in the first institution of the college, and for a considerable number of years subsequent, certain powers were vested in the resident instructers, as members of the Corporation, which they do not now possess. The exercise of some of these powers by the resident instructers, they regard as essential to the prosperity of the college. But the particular change in the mode of constituting the government of the college, to which the paper in question would seem to lead, is merely one form of introducing that change in the state of the institution which the memorialists deem important. I shall, therefore, endeavour to explain what are the essential features of the change which the present state of things requires, and the grounds upon which this change is considered necessary to the prosperity of the institution. I am confident that the great majority of the gentlemen whom I have the honor to address, have but one feeling in regard to the college—a desire of its prosperity. This must be the desire of every man, who regards the honor and interests of our native state, the memory of our ancestors, and the happiness and virtue of our children. In this feeling, therefore, which alone would have induced me, contrary to all my usual habits of life, to appear in this place, I am secure of your sympathy. I am, I trust, secure of your attention; and that any considerations, which I may present, will be allowed their full weight, even though, from the novelty of the

situation in which I find myself placed, and the short time which has been allowed for preparation, they may be imperfectly stated.

Concerning the whole subject which has been before this Board, relating to the condition and interests of the college, the great body of the community have but a very imperfect and partial degree of information. The course of policy which has been pursued, as is generally known, has been to keep the concerns of the institution as much as possible out of view, and to prevent them from being brought into public discussion. The real state of things is, in many respects, essentially different from what appearances might lead one to suppose or expect. I will venture to say, therefore, that if any gentleman know no more respecting the concerns and interests of the college, than what has appeared and been stated in the course of the discussions respecting this subject, his view must of necessity be exterior, partial, and erroneous. I, therefore, do not despair of being able to open some new views to the gentlemen whom I have the honor to address, which they may agree with me in thinking to deserve attention. From long connexion with the college, and from being personally acquainted with all the late measures, both in and out of the government, which have led to the present discussions, I have had some peculiar opportunities for information. I shall be very open and explicit; for the present occasion requires great openness and explicitness. The memorialists have been brought to a point, where they can defend their own characters, and maintain the best interests of the college, only by a more full and naked exhibition of facts and truths, than has yet been made. At the same time, as I appear in this place merely from public motives, and am not influenced by the slightest feeling of personal ill will toward any individual; so I shall be very careful not to give any individual reasonable cause of offence. I shall be equally solicitous not to give unnecessary pain to any one; and to the latter consideration shall be willing to sacrifice, in some degree, the strength of my statements. Enough, I believe, may still be said to produce every desirable effect. If, however, with all the care which I may use, I should yet be so unfortunate as to give personal offence, I must regard it as a misfortune, which the circumstances of the case have necessarily brought upon me.

In order to place the purposes and conduct of the memorialists in a just point of view, it is necessary, in the first place, to give some account of the course of events, which has immediately led to the present discussions before this Reverend and Honorable Body. It is well known to many, that for a considerable number of years past, great dissatisfaction with the condition of the college has existed in the minds of the resident officers, and others who have had an opportunity for a near view of its real state. In the summer of 1821, that is, about four years and a half since, a paper was drawn up by a highly respectable officer of the institution in the form of a letter to a member of the Corporation, containing a statement of some of the evils which existed, accompanied with proposals of remedy and reform. This communication, taken in connexion with the prevailing dissatisfaction with the state of the college, led the Corporation to direct their attention to the subject. A circular letter addressed to the resident instructers, and to one instructer not resident, (I am uncertain whether to any others,) was accordingly issued by them, dated in September 1821. It filled seven closely written folio pages, and contained a great variety of questions, respecting the discipline, instruction, and morals of the students, to which answers were requested. Replies were given by most of the gentlemen addressed, as soon as practicable, some of them entering into the subject much at length. These replies were referred to a committee of the Corporation; and, that body having apparently by its proceedings pledged itself to undertake a reform, it was confidently expected by some, that important changes would be introduced. Nothing, however, was done except promulgating some regulations respecting the expenses and dress of the students. With this exception, the whole business was suffered to sleep. In the summer of 1823, two years after the subject had been first agitated; when it had become apparent that no effectual measures were to be expected from the Corporation, the only body, which, according to the usages of the college, exercised the power of originating any measure, the feeling of discontent with the existing state of things, which had been in some degree suspended by the hope of improvement, again recovered strength. It was determined by some gentlemen, with the full consent and approbation of those resident officers, who were acquainted with the design,

to endeavour to bring the subject before your Honorable Body. They looked to you as to the last hope of the institution. In July 1823, several gentlemen were accordingly requested to meet in Boston at the house of a distinguished officer of the college. The gentlemen, thus called together, met, to the number of nine; but unfortunately there was no resident officer of the college among the number invited. The gentlemen however, who composed this meeting, discussed the nature of the improvements and changes, which the institution was thought by them to require, and determined to use proper measures to procure the appointment of a committee of your Honorable Body, for the purpose of recommending to the Overseers the plan which had been agreed upon. Such a committee was appointed, of which the Hon. Judge Story was the chairman. Immediately after the appointment of this committee, I took the liberty of addressing a letter to the chairman, in which I strongly urged the importance of consulting the resident instructers respecting those changes which would most conduce to the good of the college; of cooperating with them; and of taking advantage of their knowledge and judgment respecting the institution, and their deep concern in its prosperity. His answer was satisfactory. But there was, notwithstanding, no communication whatever between your committee and the resident instructers, on the subject of their report. It was not seen, nor were its features known by any one of them, before it appeared in print. I have, during the present session of the General Court, received a message from the chairman of that committee, stating, that before offering the report in question, he had believed that it had been seen by the resident instructers and had met their approbation; and that particularly he had expected my support. My opinion of the report has already been publicly expressed;* and the character of the proposals it contains is of such a nature, that I feel confident, that every one, having any practical acquaintance with the concerns of the college—any one who is, or who has been, a resident officer of the institution, will concur with me generally in that opinion. I must regret that the Hon. Chairman

* In 'Remarks on a Report of a Committee of the Overseers of Harvard College: By one lately a Member of the Immediate Government of the College.'

of your committee, after finding that he had been misinformed upon so very material a point, as the approbation or acquiescence of the resident instructers, did not mistrust his information upon other subjects, concerning which it was not so easy to ascertain the truth.

Before, however, this report was presented, sometime in the summer of 1823, the gentleman who has just addressed you, Professor Everett, was led to some inquiries respecting the early history of the college. In pursuing these inquiries, he was brought to the conclusion, which, I must profess, that to my mind he has fully established, that residence was originally a qualification for fellowship; and that conformably to the charter, and to a rule, which however sometimes disregarded from the necessity of the times or other circumstances, was recognised by the whole government of the state, in the year 1722, as in full authority, the Corporation ought to consist of fellows, that is, of resident officers of the college. He drew up a paper, containing a statement of historical facts, relating to the subject, which, in the first instance, he communicated to the President of the College. It was in his hands for several months. When returned by him, sometime about the beginning of the last year, Professor Everett sent it to me for perusal. I thought the facts it contained important and curious, and the arguments forcible, and advised its publication; for I had then begun to despair of any essential change for the better in the condition of the college, except by directing the public attention strongly upon the subject, and making its concerns a topic of public discussion. It was thought, however, on the whole, advisable to pursue a different course. Though the paper had been so long in the hands of the President of the Corporation; yet, as it regarded the constitution of that body, it was deemed most respectful to its members to lay it formally before them. Accordingly, after it had been communicated to most of the resident instructers, individually, they held several meetings, and when the paper had been in some respects modified, determined to present it with their signatures to the Corporation. Their motives and purposes in doing this, I shall, in a few minutes, endeavour to explain, and as I hope, so as to satisfy this Honorable Body, that they have been greatly misunderstood. I will here only observe, that it had, for a long time, been the earnest wish of

many of the resident instructers, that they should be so represented in the Corporation, as to possess some influence in the management of the concerns of the college; some power of applying remedies to those evils, and of supplying those defects, which no men in the community were so well acquainted with, or felt so strongly. The propriety, the advantage, the necessity for the good of the college, of admitting two other members of the Immediate Government, beside the President, into the Corporation, had been pressed upon the attention of different individuals of the latter body, for years before the memorial was presented. Such a proposal had been urged, long before his lamented death, by my friend Professor Frisbie. The same, or a similar proposal, had been brought forward, and argued at length, in the answers of two of the resident instructers to the questions of the Corporation, issued in 1821, though these questions afforded no opportunity for introducing it. I need not particularize other instances in which it was brought before the notice of that body, or of individual members of that body. But it had been understood, that a door of perpetual exclusion was closed against every resident officer; and that, consequently, no effectual means would ever be afforded them of raising the character of the institution, with which they were the persons most intimately connected, by procuring the adoption of those measures which its condition demanded.

This being the state of things, they thought that the presenting of the paper in question, would at least lead to a discussion of the whole subject with the Corporation; which might terminate in some result satisfactory to both parties. The Corporation, however, declined acting in any manner whatever. But it was understood, that the election of any resident officer, as one of their body, had been rendered, if possible, more hopeless than before, because such election might now, it was thought, seem to imply the recognition of a legal right, on the part of resident instructers, to seats in the Corporation. This supposed claim of a strictly legal right by the resident instructers was likewise assigned by the Corporation, as a reason for taking no order whatever upon the subject of the memorial. When this cause was assigned by them to the resident instructers, all intention of urging their claim as a matter of legal right, was promptly and explicitly

disavowed in an answer to the paper, in which the suggestion was made. It is unfortunate, perhaps, that the word, *right*, was used in their memorial; but either in the strict or the popular sense of that term, every one knows that there are other rights beside those which may be vindicated in a court of law. I will make a further concession. Upon looking over the different papers upon this subject, I am ready to allow, that there seems to me, in some expressions, a want of perfect consistency of language; though, perhaps, all the language used admits of being reconciled by some liberality of construction. The subject was a new and difficult one, having many bearings; and it is not strange, if it was not at first clearly and fully comprehended in all its parts and relations. But if the supposition of a proper legal claim had been the only obstacle, which prevented the Corporation from attending to the representations and wishes of the resident instructers, it was an obstacle, I am certain, which might very easily have been removed.

At the same time when their memorial was signed by the resident instructers, another paper was drawn up, originally intended to be connected with it; containing the reasons from expediency for the change proposed; or, what is the same thing in other words, an exposition of the motives which had induced the resident instructers to desire such a change. I have always regretted that this paper was not actually presented, as I think it would have contributed essentially to prevent any misconception of the purposes of the resident instructers. It was withheld solely from motives of delicacy to the Corporation; for though the evils resulting from the existing constitution of the government of the college were imputed, as they ought to be, to the very nature of this constitution; yet it was feared that their exhibition might give pain to those gentlemen who were in fact the governors.

The real object of the resident instructers, in all their proceedings, was to obtain such control over the discipline and instruction of the college, as might enable them to introduce those reforms and improvements which its condition required. From the circumstances of their intimate connexion with the college, their constant presence with it, and their consequent full acquaintance with its concerns, they were, and they are, the only body capable of introducing such reforms and improvements. The resident instructers are, at the same time.

more deeply and personally interested in the institution, than any other individuals can be. But they have been wholly destitute of the ability to effect any of those changes which they might deem expedient or necessary to its prosperity. Their real object was to obtain the power of originating the requisite laws and regulations. This power had hitherto resided solely in the Corporation; and therefore they were desirous that this body should be constituted of some of their number, in part, or in whole.

But it will be said, that they might have asked for this power to be given to them, as to a distinct body, without urging any claim of right or expediency to admission as members of the Corporation. It is true they might; but the power which they desired had for a long period resided in the latter body. The most obvious course, therefore, was to bring forward the grounds, on which they might expect admission for some of their number into that body. But there are two further answers to be made. The one is, that the proposal of transferring the power of originating laws respecting the discipline and instruction of the college from the Corporation to the resident instructers, did not occur to any one, as I believe, till some time after the memorial was presented. The other is, that if this proposal had actually been in the mind of every gentleman who signed that memorial, and they had been disposed to give it the preference, I believe that their asking for this power, at that period, in the state of feeling, and under the circumstances, which then existed, would have been considered as a measure more unwarrantable, extraordinary, and presumptuous, than the presenting of the memorial has ever been represented to be by any of its opponents. There has, without doubt, since that time, been a great change of feeling and opinion in relation to this subject; and it is one very important advantage, which has resulted from its discussion.

The proposal that has been mentioned, however, connected with some others, which, for myself, I think important, was made at a subsequent period, at once with the hope of accommodating the differences between the Corporation and the resident instructers; and of obtaining for the latter those powers, and that influence and consideration, which it is essential to the interests of the college, that they should possess. In the beginning of last September, I had the honor

of addressing a letter on this subject to a gentleman of the highest eminence for his virtues and talents, a member of the Corporation. As it will tend as much as any thing I can say, to illustrate the purposes and views of the resident instructers, I will take the liberty of reading a copy of some parts of it.

After some remarks upon the existing state of the college, I proceeded to observe:

"Such as I have described, has appeared to me and to other gentlemen resident here, to be the state of the college. The unsatisfactory character of the whole institution, and the daily evils resulting from the general state of things described, have been for years pressing upon the attention of the resident instructers. They have been most desirous of applying some remedy, and of effecting some beneficial change; but they have not the official power of originating any measure. They have seen the work of improvement undertaken by gentlemen from without; and plans proposed, which, it seemed to them, were wholly inadequate to effect the purposes intended. They could not but feel the strangeness of the procedure, that such a work should be undertaken without calling upon them for their cooperation; and that even minute regulations should be devised for them, touching the organization of the Immediate Government, by gentlemen without any practical acquaintance with the subject;—regulations which, if at all competent to their offices, they surely were competent to make for themselves; and which, in truth, they alone were competent to make. They have perceived the business of reform passed from one hand to another, with a continual accumulation of those misapprehensions and mistakes, to which persons of the best judgment must be exposed, who come unprepared to so complicated and difficult a subject, and have no leisure to make it a study. They have believed, that nothing, or nothing useful, was likely to be thus effected. But they were deeply interested in the college; the existing state of things was to them a cause of constant mortification and regret; their reputations were at stake; they were called upon to act by a sense of duty; they were of necessity well acquainted with the subject; and they might, with no offence to modesty, think that their qualifications in other respects, placed them on a level with those who were devising plans for the improvement of the institution. They

were desirous, therefore, of having themselves *the official power of originating and adopting such plans*. It was under the influence of such views and motives, that they formerly wished, that a portion of their number, who might serve, in some degree, as representatives of the whole, should become members of the Corporation, the only body which, according to usage, has the power of originating any measure. That a part of the Corporation should consist of other members of the Immediate Government, besides the President, has been desired, I know, for many years, and desired for reasons such as I have explained.

"The state of things described has led to the presenting of that paper which has been laid before the Corporation and Overseers. As to the claim contained in it, there never was any intention of urging it to a legal decision. As soon as the possibility of such an intention was suggested, it was formally and explicitly disavowed. But whatever might be the legal view of the case, the resident instructers could not think, that the original intention of the charter, that ancient and long-continued usage, or that their almost unanimous and decided expression of the necessity of some change in relation to their own powers, would be regarded as undeserving consideration. How much consideration these things deserved, was left, in the first instance, to the judgment of the Corporation.

"It was with the desire of obtaining that *power over the discipline and instruction of the college*, which they believed, and still believe, necessary to its prosperity, that they presented the paper in question. Their motives, I believe, were as disinterested and honorable as those by which any body of men was ever influenced; though they were such as can hardly be estimated by one, who has not felt for years the evil of the present state of things. No one, upon a moment's consideration, can suppose, that they were actuated by a miserable love of office; and were willing to take such means, each for his individual chance of obtaining it. They felt all the unpleasantness of the measure they were adopting; and nothing but a sense of existing evils, and the hope that this might afford the means of providing a remedy, would have induced them to adopt it.*

* I may here be permitted to add in a note, what, for obvious reasons, was omitted in addressing the Overseers.

"The first signature to the paper is that of Dr Ware. I know no one,

"The resident officers did not desire that the Corporation should be constituted in a certain manner, merely because it was originally intended that it should be so constituted. They would not have revived a dormant right, however clear its existence, merely because such a right existed. The paper, as regards its true character, is to be understood as a very general and decided expression of the sense, entertained by the resident officers of the college, of the necessity of increasing the power and influence of the members of the Immediate Government, in order to the well-being of the institution.

"What increase of power, then, did the immediate officers desire? I answer, that their object was not to acquire the control of the college funds; nor the power of apportioning their own salaries and duties; nor did they, as has been erroneously stated, aim at establishing a 'right to the exclusive government of that seminary.' If the principles and facts advanced in the memorial should be admitted in their fullest extent and application, *those resident officers who might become members of the Corporation, neither would nor could acquire any such powers, as the gentlemen who signed that memorial have been charged with endeavouring to obtain.* In consequence of new modelling the Corporation, the body of Overseers would not be annihilated. Every thing relating to the college would still be subject to their approval, their supervision, their control. They would retain all their present powers; and by the change proposed, these powers would necessarily be brought into vigorous and useful action. Regarding the Corporation as, by this change, essentially iden-

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more distinguished for his modesty, for his integrity, for his fairness of mind, for his freedom from vulgar ambition, and for his scrupulous and almost excessive delicacy in acting, when he might suspect himself of an improper motive. With his retired habits, he is one, not to seek after, but to avoid, that notoriety, and those distinctions, which gratify most men's vanity. He was of course the prominent candidate for any vacancy in the Corporation. Such being the case, there is no doubt that he has put a force upon himself in the part which he has taken; and that he has acted, as he has done, only because he felt it to be an imperative duty, to endeavour to effect some change, for the better. The same may be said in different degrees, according to the difference of circumstances, of the other gentlemen, by whom that paper was presented, forming the great body of the resident instructers of the college."

tified with the Immediate Government, there would exist, were the change to take place, two bodies, the Overseers, the representatives of the public, and the immediate governors of the institution, acting wholly under their control, and responsible, through them, to the public. I do not perceive the necessity of any other body, though there may be advantages attending its existence. It is clear that the body of the Overseers remaining, the resident instructers, though the Corporation might be composed solely out of their number, could not have the 'exclusive government' of the college. To take a particular instance, what would be the power which those officers of the Immediate Government, who might become members of the Corporation, would acquire in regard to the apportionment of their own salaries? It would be just the same which a day laborer possesses, who has the power of naming the sum, which he thinks his services worth. It would be nothing more than this; and the Overseers would have the full power of his employer, the power of refusing to grant that sum. Similar remarks might be made respecting those other powers, with which it has been thought so hazardous to trust resident officers.

"But I am persuaded that the resident instructers will be fully satisfied, without even the semblance of those powers, about which so much jealousy is felt. I believe they would be satisfied, if, in the first place, the power should be formally and fully conceded to them of originating and adopting such measures as they may deem proper for the reform and improvement of the discipline and instruction of the college;—if, in this respect, the Corporation should consider itself merely as a board of control, having a negative upon their proceedings. This is the power which the resident instructers have desired most earnestly; and in wishing for it, they have only wished to take upon themselves a burden. They have only been desirous of going thoroughly about the performance of a very difficult task, which it has become perfectly evident, that no other men either will or can perform. It has been attempted without even asking for their cooperation, which, on the contrary, has been treated as something to be carefully shunned. I should call this a strange anomaly, if it were not for its consistency with the whole course of things for some time past.

"Unreasonable and ambitious as the resident officers have been represented, their main object has been to obtain this privilege of laboring, this concession of a task, this burden of responsibility, this permission of doing that for the college, which their situation enables them, and enables them alone, to effect. With this, however, I do not think, that they ought to be content. The interests of literature, and the prosperity of the college, require, that other powers should be granted to its resident instructers. It seems to me in the highest degree reasonable, that the further privilege should be conceded to them of nominating to all vacancies in offices of instruction or discipline. The reasons for granting them this power of nomination are the following;—because as a body of literary men, they are the best judges of the qualifications of literary men; because, from various circumstances, they are less likely than any other body of men to be affected by other considerations than the real merit of the candidate; because as a matter of courtesy and due respect, they should have the power of naming those whom they would choose as their associates; because the real effect of the present mode of election is to give to the President of the College, a weight of patronage, unfavourable to literature, because unfavourable to fair competition; and for the further reason, that the change proposed would add to their respectability, and render their situations more desirable; and every thing which may do this will tend to render the college more respectable, and to promote the literature of the country, by rendering literary distinctions more an object of ambition.

"With these changes, I think, still another should be made, and that is the admission of two other members of the Immediate Government into the Corporation, beside the President. The power of laying the measures of the Immediate Government before the Corporation, their reasons for those measures, their views of the state of the college, and their proposals for its improvement, should not rest merely with an individual, who may differ in opinion from the majority of his colleagues. To make him the only connecting link between these two bodies, while, at the same time, he is President of both, the only direct and official source, from which the Corporation derive their knowledge and opinions respecting the concerns and interests of the institution, is to give him a very unneces-

sary and undue share of power. It is rendering the state of the college much too dependent on the personal character of an individual. The change proposed, like that last mentioned, would render the stations of the resident instructers more respectable and desirable; while, on the other hand, the new system of rigidly excluding them from the Corporation, subjects them to a peculiar disability, by which they are distinguished from all other members of the community.

"These changes, if adopted, would, I think, supersede the necessity of any other fundamental change; would satisfy, I believe, the officers of the Immediate Government; and, by affording the means of introducing other changes and improvements, would render the college, in a few years, a very different institution from what it is at present."

This letter was written, as I observed, about five months since. In the report, submitted to your Honorable Board, Jan. 6th, 1825, and signed by John Lowell, Esq. as chairman, I find the two following paragraphs.

"By this code, [a new code of laws proposed by the Immediate Government, at the desire of the Corporation, and making part of the report,] the Immediate Government is required to take the general state of the college into frequent consideration, and to propose to the Corporation any laws and measures, by which, in their judgment, the system of instruction and discipline may be improved. It seems to the committee peculiarly proper that the duty of suggesting a remedy for any evils or abuses, which may arise, should be assigned to those, who from their situation must be the first to perceive them; with the understanding, however, that this provision does not confer on them any exclusive authority to originate laws, or restrain the Corporation or this Board from proposing and establishing any regulation, which they may deem expedient.

"Authority is also given to the Immediate Government to regulate the arrangement of the prescribed duties of the instructers, the times and modes of recitation, the classification of the students, and, in general, the methods of instruction, subject in like manner to the direction and control of the Corporation and Overseers; a provision, the adoption of which would evince only a just and proper confidence, on the part of this Board, in the officers of the college."

If this report had been adopted; and especially if the principle contained in these paragraphs had been formally and explicitly recognised by this Reverend and Honorable Board, I should myself have rested content; and the same, I doubt not, would have been the case with the resident officers in general. I am far from thinking, as may appear from what I have just read, that all would have been gained which is desirable for the good of the college. But it is not wise to push on reforms hastily; or to introduce important changes, till the way for them has been prepared. What would have been gained, I should have thought a very important gain, and well worth all the labor and all the discussions, which it would have cost. That principle which is fundamental as it respects the good government of such an institution as the college, would have been recognised and adopted; namely, the principle that the resident officers shall have the power of originating all laws respecting its discipline and instruction.

This is the main principle involved in their memorial; and for the adoption of which they are chiefly solicitous. There is beginning to be, as is apparent, a general disposition to acknowledge its soundness; and the more the subject is examined, and the better it is understood, the more their cause will gain strength and favour. The proposals in the two paragraphs which I have just read from the report of your committee, show that the grounds of difference between those whose opinions seemed most opposed to each other, are disappearing, and that there is a gradual approximation to the same conclusions, on the part of those gentlemen, who are best informed respecting the true interests of the college. The resident officers never desired any control of the funds of the college, any power to apportion their own salaries, or to fix the amount of their own duties. They would have felt it a great inconvenience and evil, an exposure, if not to temptation, yet certainly to great obloquy and suspicion, to have had these powers devolved upon them. For my own part, I never felt a doubt, that should the statements and reasonings in the memorial be admitted in their fullest extent, it would be necessary to connect this admission with some new provisions and regulations, by which all the powers last mentioned should reside in this Honorable Board alone. I mean all

those powers which would not of necessity have been vested in the Overseers, as the controlling authority in the government of the college.

The ground of controversy, then, whatever now remains, is much less than it may originally have appeared. The essential principle for which the resident officers have contended, the essential principle involved in their memorial, may be considered as almost conceded. If this principle had been fully and explicitly recognised by the body whom I have the honour to address, I certainly should not have appeared in this place. But it has not been. On the contrary, a report has been adopted, offered the last year by the committee, of which the Hon. Judge Story was chairman, which is inconsistent with the principle maintained, namely, that the internal management of the college should be committed, in the first instance, to the resident officers.

The question, then, now is, what body should be entrusted with the internal government of the college, considered merely as a literary institution; what body should have the power of originating laws respecting its discipline and instruction; what body should be authorized to bring forward measures of reform and improvement, and should be made responsible for bringing forward all such measures necessary or expedient. The supervision and ultimate control of the institution rest with the Overseers. But they have not hitherto exercised the power of originating particular laws, excepting so far as the adoption of the report to which I have just referred, is a departure from their common practice; and the constitution and proper character of this Honorable Board are such, that no one, I suppose, will deem it possible, that this power should ordinarily be exercised by it. The power is now vested in the Corporation, composed of the President of the college and of six non-resident members. The question is, whether it should not be transferred, in whatever form or mode may be thought most advisable, by your Honorable Body, to the resident instructers. The question is simply this, whether non-resident gentlemen, or resident officers, will be likely to have the most intimate acquaintance with the institution, the best practical judgment in respect to its concerns, the deepest sense of responsibility, and the most constant and active personal interest in promoting its usefulness

and reputation. There is nothing, so far as I can perceive, to be objected to this statement of the question; and I doubt whether the whole case might not be safely left as thus stated. But there is much more that may be said upon the subject; and an argument commonly strikes us with greater force when explained in its details. Unwilling, therefore, as I am, to trespass upon the time of this Honorable Body, I respectfully beg your attention to some considerations relating to this subject.

In bringing forward these considerations, I shall, for the sake of brevity, use the term, *governors of the college*, to denote persons having the power of originating laws for its discipline and instruction, those to whom, considered merely under the aspect of a literary institution, it is, in the first instance, entrusted. I beg that the term may be understood in this limited sense. By whom, then ought the power which I have thus defined to be exercised? Who, in the sense in which the term has been explained, should be the governors of the college? Let us consider what particular qualifications are required.

In order to the proper performance of their most important duties, the governors of the college should, in the first place, be men practically acquainted with its concerns; in the next place, they should be literary men by profession, familiar with the science of education, and able to judge of the relative importance of different branches of study; in the third place, they should be so circumstanced as to be able fully to attend to its concerns; and, lastly, their personal interest and reputation should be evidently and strongly implicated in its prosperity and decline. These important particulars comprehend every peculiar qualification required in the governors of the college.

Now, then, keeping these qualifications in view, there can, in the first place, be no question, that the resident instructers must have, and that no other gentlemen can have, a practical acquaintance with the concerns of the college. Of the importance of such practical acquaintance with a subject, in the management of any other business or institution, no doubt was ever entertained. It has always been regarded as a first requisite, for the want of which nothing can compensate. It is the necessary foundation of good practical judgment, this

being the result of observation and experience; and founded upon the knowledge of a great variety of particular facts, the details and bearings of which are frequently suffered to escape the mind, while only the general result is retained. If it were possible to recollect distinctly all those particular facts, yet universal experience has shown, that it is impossible so to communicate them to another, that he may make use of the knowledge thus acquired, as if it had been the result of his own observation and experience.

The question, then, is whether you will have as governors of the college, gentlemen practically acquainted with its concerns, whose daily occupation they constitute; or gentlemen without practical acquaintance with its concerns, and to whom, from the nature of things, the knowledge which it is desirable they should possess, cannot be communicated. The force of this reasoning may, perhaps, be rendered more striking by considering the impossibility, that the non-resident members of the Corporation should perform the duties now devolved upon that body, in any manner whatever, unless one resident officer, the President, were at the same time a member of that body; unless at least one individual were present with them, practically and personally acquainted with the concerns of the institution; or unless some other regular means were adopted to obtain from the resident officers a constant supply of that information respecting its concerns, which they alone can furnish. We are considering whether the governors of the college should consist of non-resident gentlemen, or of resident officers; and the fact just stated, that if it were not for the association of one resident officer, it would be impracticable for the present non-resident governors to act in any proper manner, at least without constant reference to, and reliance upon, the knowledge and guidance of the resident officers, seems to show decidedly that resident officers have, and that non-resident gentlemen cannot have, the proper qualifications as governors of the college.

The next requisite before mentioned is, that the governors of the college should be literary men by profession, acquainted with the science of education, and able to judge of the relative importance of different branches of learning—men whose studies and occupations, the business of whose lives, have relation to the great purposes of such an institution. Now

the permanent members of the Immediate Government are literary men by profession. It is their business to be acquainted with the science of education; or, in other words, with the proper method of conducting the intellectual and moral discipline of the young. This is a science; and, like other sciences, not to be understood by cursory and partial attention. Among the variety of theories on the subject, the multitude of different plans proposed, the new experiments which are every day making, and the traditionary usages, which are supposed to be recommended by experience, it requires much consideration, and much practical acquaintance with the subject, to judge correctly of the method most proper to be pursued under given circumstances. Great improvements have been made, within a recent period, in the modes of instructing the young, and of forming their characters. With these, the governors of a literary institution should be acquainted; and it is their duty to bring them into use in such an institution. But, at the same time, it is believed, that no error is likely to be more injurious, than a rash adoption of modes of education, which have been found to succeed elsewhere, without regard to the peculiar circumstances of the institution in which they are copied. No reasoning will, probably, be more deceptive and mischievous, than reasoning from imperfect analogies, in which essential circumstances affecting the character of different institutions, or in which the habits, manners, state of society, and literary wants, of different countries, are laid out of view; yet this is, perhaps, the error into which those who have no practical acquaintance with the subject are most likely to fall.

But in the government of a literary institution, much judgment is required, not merely as to the best modes of effecting certain objects, but as to the objects themselves, which it is desirable to effect. The great ultimate purposes in the religious and moral education of the young remain always the same; but in regard to intellectual cultivation, this is not the case. The most important objects of study vary with the general progress of learning, which is every day extending its limits, with the circumstances of different countries, and with the destination of different individuals. In any particular institution the topics of instruction should be selected and adjusted to each other, with reference to the general design of

such an institution; and so that the most effective use may be made of the means with which it is furnished. If the means of such an institution are ample, it should be accommodated to the literary wants of the community in which it exists; and of these, none but literary men can judge. Your memorialists believe, that the college of which they are officers is not such an institution as our country demands and would support; nor such as it has ample means to become. They think it capable of assuming a much higher character, and of being much more extensively useful.

But whether this opinion be correct or not, it cannot be denied, that it is of the highest importance, that the governors of a literary institution, like the college, should be qualified, if not individually, yet collectively, to judge of the relative importance of different studies, both generally, and in reference to all the particular circumstances under which such an institution may exist. They should, then, be men of letters by profession. Literature and science should be their business. But this has been, and, probably, considering the state, of our society, will be rarely the case with laymen elected as members of the Corporation from the community at large. They may be gentlemen to whom literature is a recreation, and even an occasional employment; but they will not be, strictly speaking, men of letters. They will not be men the business of whose lives has relation to the objects of a literary institution. Nor will the case, generally speaking, be very different with clergymen. Pressed as our clergy are with professional duties, they have often but little leisure to attend to any studies not immediately connected with these duties.

It may be objected, perhaps, that mere men of letters will have too narrow views of the wants and demands of the community in reference to a literary institution. I have stated the objection as forcibly as is in my power; but I confess I do not distinctly apprehend it. If it related to any other than a literary institution, I should perceive its force. Men of letters would certainly form bad managers of an agricultural society. They would have too narrow views. They would want information, practical experience, and the requisite habits of life. But in regard to a literary institution, who can be imagined to have more extensive views, to understand its proper objects, the means of promoting them, and their

various bearings upon society, better than men, all whose occupations have relation to these objects? Is it thought that men of letters will be too secluded a class, and not capable of catching the opinions and feelings of society? The first question is, whether there are others more capable than they are of forming just opinions respecting the management of a literary institution, and to whose opinions, therefore, they ought to defer? What would be thought of a similar objection as applied to the managers of an agricultural society;—that practical farmers were not to be taken, because not mixing much with the fashionable and literary classes of our metropolis, they could not learn the opinions and feelings prevailing among those classes, respecting the newest and best modes of husbandry. But the whole objection proceeds upon a wrong assumption. There is, and there can be, in this country, no secluded class of literary men. With us, men of letters mix in common society like other men, and have full opportunity of obtaining all the information which can be derived from such intercourse. Is it thought, then, that literary men will be disposed to estimate too highly the importance of particular branches of study, to the neglect of others? Undoubtedly there is danger, that this may be the case with individuals. But in the resident instructers of the college, you have a body of men, engaged in the pursuit of very different branches of knowledge, who would act upon each other, and correct each others opinions, and liberalize each others minds; each of whom would take care that his own branch should not be neglected; and all of whom, collectively, would adjust and balance, in the most proper manner, the different studies to be pursued at the institution. But I would further observe, that it is less common for men of real learning to estimate extravagantly the importance of any particular branch of study, than for those who have only a superficial knowledge of it. There were very few among us who, from their acquaintance with the subject, were better qualified to judge of the true value of the study of the Latin language than Professor Frisbie; and there were none, I believe, whose judgment respecting its value was more correct and more free from prejudice. There is a gentleman near me, who has done much more than is generally known, to improve the course of mathematical studies in the university, much more

than is probably known to a majority of those whom I have the honor of addressing; yet it is not from him, that I should expect an over-estimate of the value of these studies.

There can, then, I conceive be no reasonable doubt, that a literary institution should be committed in the first instance to literary men; that they should have power to originate its laws and regulations, under whatever ultimate supervision and control and responsibility to the community, may be thought proper. It is from this class of men, and from this class alone, that a body of individuals can be taken, who may fairly be expected to have the most just and the most comprehensive views of the objects of such an institution, and of the means of promoting them.

It seems, therefore, a singular anomaly, that the governors of the first literary institution of our country should be men, neither practically acquainted with its concerns, nor so selected as probably to secure even a majority of individuals, the business of whose lives is intimately connected with the objects of such an institution. Every one would be struck with the absurdity of entrusting the concerns of a mercantile body, to those who were not merchants, or of an agricultural society, to those who were not agriculturists; and the absurdity would be greatly enhanced, if the gentlemen who received the trust, were, at the same time, so separated from the establishment which it was there business to govern, as to render it impossible for them to acquire any practical knowledge of its concerns. If a number of gentlemen taken from the officers of the college, resident at Cambridge, occupied with all their present duties, were selected to manage the affairs of a bank or insurance company in Boston, and were to proceed without any consultation with its present directors, excepting the president of the latter body, your memorialists conceive that the case, however strange, would afford an analogy to the manner in which the government of the college is at present conducted.

The third requisite, formerly mentioned, in the governors of the college is, that they should be so circumstanced as to be able fully to attend to its concerns. This, it is believed, is not at present the case. On the contrary a large proportion of the members of the Corporation, as that body has been for some time constituted, are gentlemen whose thoughts

and time are occupied and pressed upon by a variety of business, and by public and private concerns, which must draw away their attention from those of the college, and leave them but little leisure for the proper management of such an institution. Their regular occupations and private affairs, which must, in most cases, occupy their chief attention, are quite foreign from the concerns of the college. Its various and complicated interests can be regarded by them only as an occasional subject of attention. But, on the other hand, the business and concerns of the college are the proper and personal business of the resident officers. Their time and thoughts are due to the institution, and necessarily given to it. Nor is this all. A gentleman elected into the Corporation, as at present constituted, assumes his office, ignorant, perhaps, of its very duties, and most probably without such information respecting the college, as may enable him in any degree to form opinions and rely upon his own judgment. Hence arises a new demand upon his time. He is called upon to occupy himself in acquiring that preliminary knowledge, without which he cannot act with propriety. But this knowledge, which to others must be of slow and difficult attainment, is to the resident instructers a matter of daily and necessary acquisition in the performance of their regular duties. They can hardly be ignorant of what others can hardly learn. In managing the government of the college, therefore, instead of being drawn away from their common concerns, they would only be occupied in their appropriate business; and, together with this, the actual demand upon their time would be far less, than upon the time of non-resident gentlemen.

The governors of the college should be a very vigilant and active body, intimately acquainted with, and constantly attentive to its concerns. As the Corporation is at present constituted, it is impossible it should be so.

I have only to speak of the fourth and last qualification mentioned, that the personal interest and reputation of the governors of the college should be evidently and deeply implicated in the prosperity and decline of the institution; that its good or bad state should be continually pressed upon their observation, and be to them a matter of private feeling, like their own domestic concerns. But the resident instructers, and especially those of their number who are permanent

officers of the college, are the only individuals whose reputations and interests can be strongly implicated with those of the college. Their character, their standing in society, their comfort, and, in a considerable degree, their very means of support, depend upon its respectability and usefulness. Their offices and situations mark them out, and mark them out alone, for public observation. If the institution decline, they suffer the blame; they are the persons complained of; it may be, and it has been, I think, most unjustly; but still it is so. They ought to receive the praise if it should flourish; and if those measures which the present state of things requires, be adopted, they will receive it. There is every circumstance to designate them as the responsible officers of the college except one—except the entire want of those powers which ought to accompany such responsibility. But, on the other hand, it is scarcely known out of a small circle, who are the governors of the college, according to the existing distribution of power; that is to say, who are the members of the Corporation. Before the present discussions, it would probably have required some effort of memory, even for an individual immediately connected with the college, to have stated correctly the names of the six non-resident members, who with the President constitute that body. The mode in which it is constituted, its duties, its very extensive powers, its almost absolute control in the government of the college, are very little understood by the community. Its members are not before the public as individuals responsible for the state of the institution. On the contrary, whether the college be well or ill governed, in a very good or very bad state, no member of that board, with the single exception of the President, who is a resident officer, will gain or lose either in interest or reputation to any considerable degree, most probably not at all. It would seem then to be an arrangement singularly inexpedient and unwise, by which the government of the college is taken from the resident instructers, from those who have the strongest private interest in its prosperity, and the good management of its concerns; and given to non-resident gentlemen, in whom, from the nature of the case, no interest of the same kind can exist.

If there be any force in the preceding reasoning, it follows, that the governors of the college, in the sense in which I have explained that term. should be its resident instructers; in

other words, that they should be men practically acquainted with its concerns; men whose studies and occupations, the business of whose lives, have a constant reference to the great objects of such an institution; men who are so circumstanced as to be able fully to attend to its concerns; and men whose personal interests, are involved in the interests of the college, and dependent on its prosperity. The governors of the college have, on the contrary, for some time, consisted, with the exception of the President, of gentlemen who either are, or have been, during the greater part of their lives, actively engaged in occupations or pursuits, foreign from the objects of the institution; men of high eminence in the profession of the law, whose minds, in consequence, were continually occupied with the cares and labors which this profession imposes upon its most distinguished members; men of business engaged in a great variety of private and public concerns; and clergymen, some of them of the very highest eminence, and already placed in situations, where their health was wasting under the necessary demands upon their time and thoughts and strength. But the complicated concerns of the college, having such a variety of relations to each other, and to the best interests of society; to be carefully viewed under so many aspects; and in order to understand which, so many particular facts and circumstances must be distinctly comprehended; these concerns are not a subject to be understood and decided upon in the occasional meetings of a body thus constituted. Without, therefore, the slightest imputation upon that body, I conceive that its very constitution, connected with the powers which it has hitherto exercised in the government of the college, is sufficient to account for all the deficiencies and evils which are perceived to exist in the institution.

My reasoning upon the subject, it will be perceived, has been wholly abstract. It is reasoning, relating to the proper mode of governing a college, such as might be urged *a priori*, supposing no such institution in existence, no experiment to have been tried. I shall not enter into details respecting the history of the college to illustrate what has been said; for I am most solicitous to avoid every thing which might lead, however indirectly, to any degree of personal excitement. On this grave and most important subject, we can decide wisely only by divesting ourselves as far as possible of passion and

prejudice, and keeping our minds steadily and coolly fixed upon the great objects which we all have so much at heart. But there is one case, intimately connected with the present discussions, to which I may advert without giving pain to any individual.

There has now existed for a considerable period a general and earnest wish for some essential improvement in the condition of the college. Between four and five years since, as I have already stated, the attention of the Corporation was particularly directed to this subject, not in consequence of any information which that board itself possessed, nor of the representations of any member of that body; but in consequence of an application from without. The Corporation then took means to be informed of the real state of the institution of which they were the governors. They took the most proper means. They addressed the circular, before mentioned, to the resident officers. They applied to the only source from which they could obtain the information required. But it is an obvious remark, that this was information of which they had been in constant need, as much at one period as at another, to enable them to carry on the government of the institution. In order, however, to obtain the information requisite to qualify them to be its governors, they were obliged to resort to a new measure, out of the common course of proceedings, and one before wholly unknown. It is another obvious remark, that when representations were laid before the governors of the college, according to which, essential changes were required in the institution, these representations were either correct or not. If correct, the governors of the college ought surely to have been the persons first aware of the true state of things; they should have needed no intimation of it from without; I should rather say, they ought long before to have anticipated the necessity of any essential changes, and to have prevented the deficiences and evils complained of. If the representations laid before them were not correct, the governors of the college ought surely to have been the individuals, best qualified from their personal knowledge to say that they were not correct, and to justify the course of measures which had been pursued. It is clear that the whole state of the case in these respects was different from what it ought to have been. Upon receiving the answers of the resident officers,

the Corporation gave their earnest and faithful attention to the subject. But nothing has, in consequence, been effected by that body. Its members felt too deep an interest in the institution, and have been too well aware of the difficulty of the subject, to introduce any rash or immature changes, or to make any uncertain experiment. At the same time, they have had neither the requisite information, nor leisure, nor practical experience, to decide upon and arrange any new measures;—to adjust a new system, of the propriety of which they themselves should be satisfied. They, therefore, have accomplished nothing. Yet the pressure and urgency of the case cannot well be greater. The call for improvement from within and from without the college, will hardly be more distinct, for if not now answered, it will be succeeded almost by despair. Nor can you reasonably expect more honest zeal or more faithful intentions in any non-resident gentlemen who may hereafter become members of the Corporation.

What then is to be done? What is to be done, not merely to effect those changes, which are, at the present moment, necessary to the prosperity of the college, but in order to keep up that constant course of progression and improvement which the community demands. You, surely, will not suffer this most important institution, intrusted to your care, to be irregularly acted upon by uncertain or accidental impulses from without; you, surely, will not suffer to be forced upon its governors or instructers, any new theoretical system, the work of unauthorized, unapparent, irresponsible individuals, however respectable they may be. In order to restore the college to the state, in which it ought to be, and to preserve it in that state, you will not, I am confident, be ready to trust to the zeal and care of any others, than its proper governors and officers, exerting themselves in the regular discharge of their official duties. I would beg leave most respectfully to observe, that in all the late discussions respecting the college before this Reverend and Honorable Body, the true question that arises, is, not what particular laws and regulations, what specific system of discipline and instruction shall be adopted; for these are topics obviously of a nature not to be fully examined in so large and popular an assembly, the members of which can give but a few hours' attention to the subject; the true question is, to what permanent and responsible body,

acting under your supervision and control, shall be intrusted power of devising such a system, of adjusting its parts, of watching its operations, of supplying the deficiencies, which experience may discover, and of making those additions and improvements which the progress of the Institution may demand.

The resident officers, I mean the resident officers of the Immediate Government, of which I have not the honor to be a member, may be considered as having offered themselves to undertake the labor of improvement. They have not shrunk from the task however difficult, or from the responsibility however arduous, for they have felt it their duty, at least to make a distinct offer of their services. Upon the propriety of committing it to them, there is, as every intelligent friend of the college must rejoice to perceive, a growing unanimity of opinion. When the subject is distinctly understood, there will, I am confident, be but one opinion. To obtain the necessary power to effect the changes which the state of the college imperiously requires, was the main object of their memorial; and if this power can be obtained in another form, they will be well content.

The propriety of the principle maintained in the observations that have been made, has, in our own country, been illustrated by experience. I believe, it will be found, that every literary institution among us, other things being equal, has flourished in proportion as the government of it, considered merely as a literary institution, has been virtually intrusted to the resident instructers. I say, virtually, for the power may be given them in fact, when it is not in form. The Theological Seminary at Andover has grown with unparalleled rapidity. I do not refer to the amount of wealth, which has been so liberally poured out upon it. But I refer to the rapid manner in which the standard of education has been raised. The growth of this institution is, I believe, to be referred principally to the fact, that it has been confided to the care of its professors; that they have not been embarrassed and impeded in any plans of improvement; that instead of being destitute of any power, like the resident instructers at Cambridge, they have, by courtesy or usage, no matter how, possessed all the power necessary to render it what they have been desirous it should become; that they have at once felt that

they were responsible for its character; and have exercised power commensurate to this responsibility.

I had intended to speak of some other evils, resulting from the present distribution of powers among the different bodies which constitute the government of the college; but I have been compelled to regard the time allowed me for preparation; for the whole subject is one of such importance, that no man ought to speak upon it without weighing his words; and I must likewise regard the time, during which I may reasonably ask for the attention of your Reverend and Honorable Body. I will touch upon them, therefore, very briefly.

One is the want of responsibility in any body of men or in any individual, as the government of the College is at present constituted, and its powers distributed. Supposing the institution to be falling into decline and ruin, to be in a worse state than has been described or imagined; who is responsible for it? Who is accountable to the public? Not the resident officers; for at present they are merely executive officers. They have no power of originating laws. However bad the whole system of discipline and instruction may at any time be, they have no power to correct it. Beside, if the decline of the institution be owing to them, this very fact transfers the responsibility from them to others. Such men ought not to have been appointed; such men ought not to have been continued in office. Are the Corporation, then, regarded as accountable for the state of the college; are they actually made responsible for it to the public? The responsibility of this body corresponds in no degree to its extensive powers. On this subject, I would refer to the statements already made. The Corporation is a body too little known. Its members are so circumstanced, that they are not brought prominently before the public as accountable for their measures. Their real powers are very little understood. To those acquainted with the subject, it is clear, that they cannot have the requisite knowledge, or the requisite leisure, to attend fully to the concerns of the college. They are wholly disinterested in giving their time to the institution. It is a gift to the public, and it is hard to ask why more is not given; especially when the obvious answer is, that reserving a due portion for their private concerns, and for other public interests, more cannot be given.

But there is another consideration. When the power of devising and establishing, and the power of executing a system of instruction and discipline, are divided, the former given to the Corporation, as at present constituted, and the latter to the resident instructers; no proper accountability can be made to rest upon either body. If the institution decline, the one body may charge the fault upon the system, and the other body may retort the charge, that the defect is not in the system but in the execution; and who is to decide the controversy? What proportion of the public can be expected so to investigate the subject, as to determine on whom censure should justly fall? This divided and uncertain responsibility will be found in its operation to amount to little better than none.

On the contrary, if the whole government of the college, considered as a literary institution, were committed in the first instance to the resident instructers, their power and their responsibility would be commensurate. Those whom the public naturally regard as accountable for the state of the institution, would become fairly and fully accountable for it. Your Reverend and Honorable Body would know where to direct your inquiries, and to whom to look, when any evil or any complaint existed. You would be brought at once into immediate connexion with the resident instructers; a circumstance which alone would be of the highest advantage to the college. In pursuing a right course, they would be encouraged and animated by your support and approbation. But your connexion with the resident instructers, considered as mere executive officers, appointed and directed by the Corporation, must of course be very limited and inoperative.

I know it has been objected to giving the resident officers those powers for which I have been contending; that in civil government, it is thought wise to separate the legislative from the executive power, and that the same principle should be adopted in the government of a literary institution. I have before observed, that no reasoning is more deceptive than reasoning from loose and imperfect analogies. In regard to the present case, I would ask why the analogy is not carried a little further. Of the two, it is certainly more important in civil government to separate the judiciary, than the legislative power, from the executive. Why then do not those,

who urge the objection which has been stated, propose that the judiciary power should be taken from the executive officers of the college. Their analogical reasoning, if it prove any thing, proves that there should be one body, the Corporation, as at present constituted, to make laws; and one body, the resident officers, to execute these laws; and a third body, not yet in existence, who should exercise the judiciary power. But even with this improvement, we should have but a poor, deceptive semblance of a well organized civil government. In civil government, it is with us a fundamental principle, that all power emanates from the governed. In order therefore to model our college government after the fashion of the former, our three bodies, the Corporation, the resident officers, and the new bench of judges, must all be elected by those who are to be governed, by the undergraduates. We may push the absurdity further in every direction. They should all be chosen by them from their own number. I trust it will be acknowledged, that an analogy is of no force which leads directly to such conclusions. The parental approaches much nearer, than civil government, to being a proper model for the government of young men, collected as students at a literary institution.

I will now mention one incidental evil, but an evil of very considerable magnitude, which results from the present constitution of the government of the college, and the present division of power between the Corporation composed of non-resident members, and the resident instructers of the college. The resident officers are, in the nature of things, the proper representatives of the college; and would become so in fact, if those powers were given to them, which they ought to possess. But at present the Corporation are the representatives of the college. They are its governors in the most extensive sense of the words. They appropriate its funds, appoint its officers, direct its studies, and make its laws. The whole character of the institution is to be determined by them. By their regulations, especially those regarding the expenses of the students, and the charges upon them, they may lay open its advantages to a greater, or confine them to a smaller number. They may make it an institution merely for the rich, and for those who are supported by its charity; or they may extend its benefits to the whole community. But in

selecting non-resident gentlemen as members of the Corporation, men of distinguished eminence will, of course, be taken. They will be members of one or another of the political parties into which the state may be divided; often among the leading and most prominent individuals of that party. When there is any warmth of political contention, the members of the Corporation will, in filling a vacancy in their body, select a candidate whose opinions correspond with their own. The Corporation will thus be perpetuated in one political party, and the college will be in the hands of one political party. In these statements no one will imagine that any blame is imputed to the members of the Corporation. What has been described is only the natural and almost necessary course of things. But the effect of it is, to give a foreign, adventitious, political character to the college, which will render it obnoxious to one of the two great parties in the state; and may, perhaps, even to a majority of its citizens. At the present moment, when there is a mutual spirit of conciliation, when men of opposite parties are ready to respect each other's principles, when political distinctions seem to be melting away, nothing, it is true, is to be apprehended from the circumstance which I have mentioned. But if times of political heat and controversy should return, then the evil would be felt; as it has been felt. The college with that extrinsic, political character which now attaches to it, would then, instead of being considered as the common interest of the community, be regarded by many of our citizens with coldness, jealousy, and hostility. But transfer a portion of the powers of the Corporation to the resident instructers; make them, as they ought to be, the representatives of the college, and this evil will be removed. The resident instructers are little likely to be distinguished as political partisans. They have kept aloof, and in all ordinary times, may be expected to keep aloof from political contests. As literary men, as instructers of the college, their objects in life must be very different from those of political ambition. As governors of the college, they will excite no political jealousy or enmity. Remote from the exasperating controversies of party, and laboring for the common good without distinction, they may reasonably hope to be regarded, at all times, at least with forbearance and respect, and, probably, with favor and kindness. The change in the

powers of the resident instructers, by giving the Overseers a tangible and distinct subject of supervision, would necessarily increase the interest of this Reverend and Honorable Body in the institution. But the Overseers are the representatives of the community; and will always sufficiently bear the character of those sentiments and feelings which prevail in the community. If the change, therefore, which has been proposed, should be adopted, it may be hoped that the college will never, hereafter, be regarded as an institution belonging to one political party; but become, as it formerly has been, an object of interest and pride to the whole commonwealth.

In the letter from which I have read some extracts, it may be recollected that two additional proposals were made; the one that the power of nominating to offices of government and instruction should be given to the resident instructers; the other, that two of their number should be admitted as members of the Corporation. I shall urge no arguments in support of either, beside the few suggestions already made in that letter. I have not had leisure to prepare myself in such a manner as to be ready to address this Honorable Body on those subjects; and even if I had had sufficient leisure, I should still be unwilling to make a further demand on your attention, or divert, in any degree, your consideration from that main proposition, which seems to me fundamental, namely, that the resident instructers should have the power of originating all laws respecting the instruction and discipline of the college.

I will add but a few more words. When great evils exist, there is always a disposition to criminate individuals. It is the fault of narrow-minded men, and perhaps even of some who are not narrow-minded, to be disposed to make some person or some body of men, the object of censure. But if any good is to result from these discussions respecting the state of the college, all this must be forborne. I do not say that there have not been faults, and perhaps great faults, committed by individuals. It is as little my object to exculpate as to criminate any one. But I do say, that the fault essentially is not in individuals, but in the system. You cannot expect to find more distinguished, more able, or more honorable men, to compose the Corporation of the college, than a majority of those gentlemen who have for some time been its members. You will find no individuals more faithful, more disinterested, and more conscientious, to fill the places of its present instructers.

L. of C.

No one will address, as Overseers of the institution, a body of men, more intelligent or more free from all passion or prejudice, than those before whom I have the honor to appear. Yet all this being so, the condition of the college is such as every one laments. The fault, therefore, I repeat it, is not in individuals, but in the system.

NOTE.

The proceedings of the Overseers, since the hearing of the memorialists, will appear from what follows.—

From the Boston Daily Advertiser of Saturday, Feb. 5th.

Harvard University.—The Board of Overseers yesterday proceeded in the consideration of the report of their Committee on the memorial of the Instructers of the University. The report concludes by proposing the following resolutions:—

Resolved: That it does not appear to this Board, that the resident instructers at Harvard University have any exclusive right to be elected members of the Corporation.

Resolved: That it does not appear to this Board, that the members of the Corporation forfeit their offices by not residing at the college.

Resolved: That in the opinion of this Board, it is not expedient to express any opinion on the subject of future elections.

Mr Gray, of the Senate, addressed the Board in support of the resolutions, and against the memorial, in a speech which occupied nearly the whole of the forenoon session. Mr Leland made a few remarks in favour of the resolutions. In the afternoon, Chief Justice Parker spoke in favour of the resolutions, and was followed on the same side by Mr Charles Jackson. When he had closed, at about 6 o'clock, the question was taken. At the call of Mr Leland, the question was divided, and taken on the resolutions separately, and they were unanimously accepted.

From the Boston Daily Advertiser of Monday, Feb. 21st.

Harvard University.—We understand that, at a meeting of the Overseers in the Council Chamber, on Thursday last, the Hon. Charles Jackson was presented by the Corporation, for confirmation as a member of that board. The Overseers non-concurred in the choice, by a vote of 18 to 20, on the ground, as we understand, that it was expedient that the vacancy should be filled up by choosing one of the Immediate Government. The present members of the Corporation are the Rev. President Kirkland, the Rev. Dr Porter, the Hon. William Prescott, the Hon. H. G. Otis, and the Rev. Dr Channing.* The vacancy, we believe, was occasioned by the death of the late Hon. John Phillips.

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* The Hon. Judge Davis should have been added.

The correctness of the reason, assigned in the above extract, for the vote of the Overseers, was subsequently disputed by one correspondent of the Advertiser, and maintained by another.

At a meeting of the Overseers, held Feb. 22, which was called for a different purpose, the subject of the election of Judge Jackson was again brought before that Board, and his election was confirmed by a vote of 30 to 21.

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